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FILED
SEP 26 2023
U.S. MAGISTRATE JUDGE
BY _____

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KIRK ORMAND DAVIS,

Defendant.

Case No. 2:23-MJ- 858 -VCF

CRIMINAL COMPLAINT

VIOLATIONS:

Counts One, Two and Three:
18 U.S.C. §§ 111(a) and (b) – Assault
Inflicting Bodily Injury on a Person
Assisting a Federal Officer

Counts Four and Five: 18 U.S.C. § 111(a) –
Assault on a Person Assisting a Federal
Officer

BEFORE the Honorable Cam Ferenbach, United States Magistrate Judge, Las
Vegas, Nevada, the undersigned Complainant, being duly sworn, deposes and states:

COUNT ONE
Assault Inflicting Bodily Injury on a Person Assisting a Federal Officer
18 U.S.C. § 111(a) and (b)

On or about September 6, 2023, in the State and Federal District of Nevada,
KIRK ORMAND DAVIS,
the defendant herein, did forcibly assault C.K., Nevada Southern Detention Center
Detention Officer, a person designated in Title 18, United States Code, Section 1114, with

1 a deadly or dangerous weapon while that person was assisting a Federal Officer in the
2 performance his official duties, and on account of that assistance, all in violation of Title
3 18, United States Code, Sections 111(a)(1) and (b).

4 COUNT TWO

5 Assault Inflicting Bodily Injury on a Person Assisting a Federal Officer
6 18 U.S.C. § 111(a) and (b)

7 On or about September 6, 2023, in the State and Federal District of Nevada,

8 KIRK ORMAND DAVIS,

9 the defendant herein, did forcibly assault L.K., Nevada Southern Detention Center Nurse,
10 a person designated in Title 18, United States Code, Section 1114, with a deadly or
11 dangerous weapon while that person was assisting a Federal Officer in the performance his
12 official duties, and on account of that assistance, all in violation of Title 18, United States
13 Code, Sections 111(a)(1) and (b).

14 COUNT THREE

15 Assault Inflicting Bodily Injury on a Person Assisting a Federal Officer
16 18 U.S.C. § 111(a) and (b)

17 On or about September 8, 2023, in the State and Federal District of Nevada,

18 KIRK ORMAND DAVIS,

19 the defendant herein, did forcibly assault and inflict bodily injury upon D.H., Nevada
20 Southern Detention Center Chief of Security, a person designated in Title 18, United States
21 Code, Section 1114, while that person was assisting a Federal Officer in the performance
22 his official duties, and on account of that assistance, all in violation of Title 18, United
23 States Code, Sections 111(a)(1) and (b).
24

COUNT FOUR

Assault on a Person Assisting a Federal Officer
18 U.S.C. § 111(a)

On or about September 13, 2023, in the State and Federal District of Nevada,

KIRK ORMAND DAVIS,

the defendant herein, did forcibly assault A.G., Nevada Southern Detention Center
Detention Officer, a person designated in Title 18, United States Code, Section 1114, while
that person was assisting a Federal Officer in the performance his official duties, and on
account of that assistance, all in violation of Title 18, United States Code, Section
111(a)(1).

COUNT FIVE

Assault on a Person Assisting a Federal Officer
18 U.S.C. § 111(a)

On or about September 14, 2023, in the State and Federal District of Nevada,

KIRK ORMAND DAVIS,

the defendant herein, did forcibly assault D.P., Nevada Southern Detention Center
Assistant Shift Supervisor, a person designated in Title 18, United States Code, Section
1114, while that person was assisting a Federal Officer in the performance his official
duties, and on account of that assistance, all in violation of Title 18, United States Code,
Sections 111(a)(1).

PROBABLE CAUSE AFFIDAVIT

1. Your Complainant, Michael Desch, as a Deputy United States Marshal with
the United States Marshals Service (USMS), states the following as and for probable cause:

2. Your Complainant is a Deputy United States Marshal and has been so
employed since January 2010. As a Deputy Marshal, your Complainant has investigated,
among other things, violations of the federal firearms and narcotics laws, as well as crimes

1 of violence and gang-related crimes. Your Complainant has participated in the execution
2 of criminal arrests and has received training in, among other things, criminal procedure,
3 search and seizure, firearms and narcotics investigations, and the identification and
4 investigation of organized gangs. Your Complainant is an investigative or law
5 enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7), that
6 is, an officer of the United States who is empowered by law to conduct investigations of
7 and to make arrests for offenses enumerated in 18 U.S.C. § 2516.

8 3. Your Complainant has been involved in an investigation which is the
9 subject of this Affidavit. Due to your Complainant's personal participation in this
10 investigation and reports made to your Complainant by other deputy marshals, Nevada
11 Southern Detention Center (NSDC) officers and staff, and Nye County Sheriff's Office
12 (NCSO) deputy sheriffs and staff, your Complainant is familiar with the facts and
13 circumstances surrounding the investigation. Your Complainant's training and experience
14 as a Deputy Marshal, including participation in this investigation, form the basis for
15 opinions and conclusions set forth below. While your Complainant has participated in the
16 below described investigation, your Complainant has not provided every fact known to
17 him within this Complaint. Rather, your Complainant has included only those facts
18 necessary to establish probable cause.

19 FACTS ESTABLISHING PROBABLE CAUSE

20 4. An investigation by the United States Marshals Service (USMS), the
21 Nevada Southern Detention Center (NSDC), and the Nye County Sheriff's Office
22 (NCSO) has determined that between on or about September 6 and September 14, 2023,
23 Kirk Ormand DAVIS assaulted, resisted, opposed, impeded, intimidated, and interfered
24 with five persons working at the NSDC, each of whom was then a person designated in

1 Title 18, United States Code, Section 1114, while each of those persons was assisting a
2 Federal Officer, United States Marshal Gary D. Schofield, in the performance his official
3 duties, and on account of that assistance, in violation of Title 18, United States Code,
4 Sections 111(a)(1) and (b).

5 5. On June 22, 2023, Kirk Ormand DAVIS appeared before a United States
6 Magistrate Judge on a Petition for Revocation of Supervised Release. DAVIS was serving
7 terms of supervision in two cases in this District, *United States of America v. Kirk Ormand*
8 *Davis*, Case No. 2:12-cr-373-GMN-VCF, and *United States of America v. Kirk Ormand Davis*,
9 Case No. 2:13-cr-55-GMN-VCF. DAVIS had been convicted of two counts of Bank
10 Robbery in violation of 18 U.S.C. § 2113(a) in each case of supervision, consistent with his
11 pleas. The petition asserted that DAVIS had violated two conditions of supervision, that
12 is, he had committed a new crime, an assault on a hotel manager, and had failed to take
13 his medications as prescribed. At his initial appearance on the petition, DAVIS submitted
14 to detention. The Magistrate Judge ordered DAVIS detained pending the revocation
15 hearing, remanding DAVIS to the custody of the United States Marshal, Gary D.
16 Schofield.

17 6. The Nevada Southern Detention Center, located at 2190 East Mesquite
18 Avenue in Pahrump, Nevada, is contracted to hold detainees on behalf of the USMS. The
19 officers and staff of the NSDC held DAVIS in detention pending the revocation hearing,
20 assisting the United States Marshal, an officer and employee of the United States, in the
21 performance of his official duties.

22 7. According to the petition for revocation, DAVIS has been diagnosed with
23 Schizotypal Personality Disorder, Bipolar Disorder (severe), Alcohol Use Disorder
24

1 (severe), and Stimulant Use Disorder (methamphetamine, severe). DAVIS was receiving
2 medications at NSDC for the treatment of those conditions.

3 8. On September 6, 2023, at approximately 10:20 p.m., NSDC Detention
4 Officer C.K. and NSDC Nurse L.K. attempted to provide DAVIS his prescribed
5 medications. When Detention Officer C.K. opened the food port of DAVIS' cell door,
6 DAVIS threw a cup containing feces and urine through the food port, striking Nurse L.K.
7 in the head and torso with feces and urine and Detention Officer C.K. in the arm with
8 feces and urine. Detention Officer C.K. closed the food port, then DAVIS yelled through
9 the door to Detention Officer C.K. and Nurse L.K. that he, DAVIS, had AIDS, referring
10 to acquired immunodeficiency syndrome.

11 9. NSDC staff contacted the NCSO. DAVIS told the responding Deputy
12 Sheriff that he, DAVIS, had his urine and feces in a cup and threw it on Detention Officer
13 C.K. and Nurse L.K. earlier that night. DAVIS told the responding Deputy Sheriff that
14 he, DAVIS, has AIDS, and that he tried to get the feces into each of Detention Officer
15 C.K.'s and Nurse L.K.'s mouths so they would be infected with HIV (human
16 immunodeficiency virus).

17 10. According to public information disseminated by the U.S. Department of
18 Health & Human Services (HHS) through HIV.gov, HIV is a virus that attacks the human
19 immune system, making a person more vulnerable to other opportunistic infections and
20 diseases. HIV may be transmitted through bodily fluids. Untreated, HIV can lead to the
21 disease AIDS. No effective HIV cure exists. While treatments exist to reduce the amount
22 of HIV in the body to very low level, a person who contracts HIV has HIV for life.
23 Treatments to prevent infection after a possible exposure are available but must be
24 administered within 72 hours. Without HIV medicine, people with AIDS typically survive

1 about 3 years. Once someone has a dangerous opportunistic illness, life expectancy
2 without treatment falls to about 1 year.

3 11. Bodily fluids infected with HIV are “a deadly or dangerous weapon” if used
4 with the intent to infect a victim. DAVIS is not known to have been diagnosed with AIDS
5 or to be infected with HIV.

6 12. DAVIS assaulted NSDC Detention Officer C.K. and NSDC Nurse L.K.
7 with a deadly or dangerous weapon on September 6, 2023, an act that involved physical
8 contact with each victim of those assaults, while NSDC Detention Officer C.K. and
9 NSDC Nurse L.K. were assisting a Federal Officer, U.S. Marshal Schofield, in the
10 performance his official duties, and on account of that assistance. U.S. Marshal Schofield,
11 NSDC Detention Officer C.K. and NSDC Nurse L.K. are each a person designated in
12 Title 18, United States Code, Section 1114.

13 13. On September 8, 2023, at approximately 11:15 a.m., DAVIS was banging
14 the inside of his cell door with a food tray, causing a disturbance in the facility. NSDC
15 Chief of Security D.H. responded to the incident and directed DAVIS to return the food
16 tray. DAVIS placed the food tray in the open food port of his cell door. When Chief of
17 Security D.H. attempted to retrieve the tray, DAVIS forcibly pulled the tray back into his
18 cell, cutting Chief of Security D.H.’s hand on the door of the food port, inflicting bodily
19 injury.

20 14. DAVIS assaulted NSDC Chief of Security D.H. inflicting bodily injury on
21 September 8, 2023, an act that involved physical contact with the victim of the assault,
22 while NSDC Chief of Security D.H. was assisting a Federal Officer, U.S. Marshal
23 Schofield, in the performance his official duties, and on account of that assistance. U.S.
24

1 Marshal Schofield and NSDC Chief of Security D.H. are each a person designated in Title
2 18, United States Code, Section 1114.

3 15. On September 13, 2023, at approximately 9:11 p.m., NSDC Detention
4 Officer A.G. attempted to provide DAVIS his prescribed medications. When Detention
5 Officer A.G. opened the food port of DAVIS' cell door, DAVIS threw a cup containing an
6 unknown liquid through the food port, striking Detention Officer A.G. in the arm with an
7 unknown liquid.

8 16. DAVIS assaulted NSDC Detention Officer A.G. on September 13, 2023, an
9 act that involved physical contact with the victim of that assault, while NSDC Detention
10 Officer A.G. was assisting a Federal Officer, U.S. Marshal Schofield, in the performance
11 his official duties, and on account of that assistance. U.S. Marshal Schofield and NSDC
12 Detention Officer A.G. are each a person designated in Title 18, United States Code,
13 Section 1114.

14 17. During the evening of September 14, 2023, NSDC personnel needed to
15 enter DAVIS' cell to remedy a maintenance issue. At approximately 9:03 p.m., NSDC
16 Assistant Shift Supervisor D.P. directed DAVIS to place his hands at the food port of his
17 cell door so that Assistant Shift Supervisor D.P. could place DAVIS in handcuffs to allow
18 maintenance personnel to safely enter the cell. When Assistant Shift Supervisor D.P.
19 opened the food port of DAVIS' cell door, DAVIS threw a container with feces and an
20 unknown liquid through the food port, striking Assistant Shift Supervisor D.P. in the arm
21 with feces and an unknown liquid.


22 18. DAVIS assaulted NSDC Assistant Shift Supervisor D.P. on September 14,
23 2023, an act that involved physical contact with the victim of that assault, while NSDC
24 Assistant Shift Supervisor D.P. was assisting a Federal Officer, U.S. Marshal Schofield, in

1 the performance his official duties, and on account of that assistance. U.S. Marshal
2 Schofield and NSDC Assistant Shift Supervisor D.P. are each a person designated in Title
3 18, United States Code, Section 1114.

4 CONCLUSION

5 19. Based upon the information set forth in this application, your Complainant
6 respectfully submits that there is probable cause to believe that Kirk Ormand DAVIS
7 violated 118 U.S.C. §§ 111(a) and (b), Assault Inflicting Bodily Injury on a Person
8 Assisting a Federal Officer, and 18 U.S.C. § 111(a), Assault on a Person Assisting a
9 Federal Officer, on five occasions between September 6 and September 14, 2023, as
10 described above.

11 Respectfully Submitted,

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13 
14 Deputy United States Marshal Michael Desch
United States Marshals Service

15 Sworn and subscribed before me on September ²⁵₂₅, 2023.

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17 
18 THE HONORABLE CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE
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